

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

**Second Amended Petition Alleging an Additional Violation for Client Under Supervision
and Request for Summons for Person Under Supervision**
(Amended Petition for Summons for Client Under Supervision was filed April 29, 2020)

Person Under Supervision

Andrea Seja

Docket Number

0971 3:18CR00173-001 JCS

Name of Sentencing Judge: The Honorable Joseph C. Spero
Chief United States Magistrate Judge

Date of Original Sentence: January 18, 2019

Original Offense

Count One: Theft of Government Property, 18 U.S.C. § 641, a Class A misdemeanor.

Original Sentence: Three years probation

Special Conditions: No fiduciary capacity; no new lines of credit or debt without USPO approval; provide access to any requested financial information; search; mental health treatment; DAC testing/treatment; \$25 special assessment; \$23,454.08 restitution.

Prior Form(s) 12: On May 13, 2019, Your Honor took judicial notice of the fact that Ms. Seja has tested positive for cocaine on five occasions and admitted use on a sixth occasion.

On September 12, 2019, a Petition for Summons for Person Under Supervision was filed alleging Ms. Seja had tested positive for cocaine on numerous occasions and submitted dilute urine samples. Ms. Seja appeared before Your Honor for an initial appearance on October 11, 2019, and the Court was advised she had submitted an additional positive drug test on October 2, 2019. Ms. Seja was admonished by the Court and the matter was continued to November 15, 2019.

On November 15, 2019, Ms. Seja appeared before Your Honor and the Court was advised of additional positive drug tests dated October 14, 2019 and November 8, 2019. Ms. Seja was allowed to continue in outpatient treatment and matter was continued to December 20, 2019.

On December 20, 2020, Ms. Seja appeared before Your Honor. The Court was advised that since the last status appearance, Ms. Seja had failed to submit to drug testing on November 6, November 12, November 20 and December 10, 2019. Additionally, she submitted a positive drug test on December 18, 2020. The Court ordered Ms. Seja report to the probation office daily for urinalysis testing and continued the matter to January 6, 2020.

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On January 6, 2020, Ms. Seja appeared before Your Honor. The Court was informed that Ms. Seja reported for all drug tests as requested by the Court; however, all the drug tests she submitted were positive for cocaine. Your Honor ordered Ms. Seja to enter residential drug treatment and continued the matter to January 9, 2020.

On January 9, 2020, Ms. Seja appeared before Your Honor and she was ordered to attend an intake assessment at Women's Hope on January 10, 2020, and another at Center Point on January 13, 2020. The matter was continued to January 15, 2020.

On January 15, 2020, Ms. Seja appeared before Your Honor. Ms. Seja was admonished by the Court and was ordered to make all intake appointments. The matter was continued to February 14, 2020.

On February 14, 2020, Ms. Seja appeared before your Honor. The Court was notified that to date, Ms. Seja had failed to enter residential treatment. Ms. Seja was remanded into custody and was ordered released on February 18, 2020, with instructions to report to Center Point immediately upon release.

On February 20, 2020, Ms. Seja appeared before Your Honor. The Court was advised that Ms. Seja had again failed to enter residential treatment, as instructed on February 14, 2020. Ms. Seja was remanded by the Court a second time and ordered to be released on February 26, 2020. Ms. Seja was released directly from court on February 26, 2020, and was transported (by a taxi service provided by the United States Probation Department) to Center Point residential treatment program in San Rafael. The matter was continued to May 1, 2020.

On May 1, 2020, Ms. Seja appeared before Your Honor and was advised of additional allegations in the Form 12, which included being terminated from residential treatment and using a controlled substance (cocaine).

On May 15, 2020, Ms. Seja appeared before Your Honor. The Court was advised that Ms. Seja entered HealthRIGHT 360 Detox on May 12, 2020. The Court ordered Ms. Seja to remain in detox for the quarantine period and enter residential treatment when directed to do so.

Type of Supervision
Probation
Assistant U.S. Attorney
Christopher Viera

Date Supervision Commenced
January 18, 2019
Defense Counsel
David Rizk (AFPD)

Petitioning the Court

To incorporate Charge Number Four of the petition at the next probation revocation hearing. Furthermore, it is requested that Ms. Seja be ordered to appear before Your Honor on Friday, June 5, 2020 at 11:30 A.M. (new charge is in bold print).

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I, Laura Triolo, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

Charge Number

Violation

One

There is probable cause to believe that the person under supervision violated the mandatory condition of supervision which states that she shall not use a controlled substance.

On June 4, July 1, and July 10, 2019, Ms. Seja submitted urinalysis samples for testing which returned positive for the presence of cocaine.

On July 15, August 8, August 14 and August 21, Ms. Seja submitted urinalysis samples for testing which returned "invalid" due to dilution.

On September 9, 2019, Ms. Seja submitted a urinalysis sample during an unannounced home visit which tested presumptively positive for cocaine. Post-test she admitted she used cocaine as recently as September 6, 2019.

Evidence of the alleged violation is contained in Alere Toxicology Results of a Controlled Substance Test for specimen numbers B04315336; B04306291; B04316278; District of New Mexico local laboratory results for specimen numbers CN30-5707; CN30-5753; CN30-5792; and CN30-5830; and a chronological record in Ms. Seja's electronic probation file dated September 9, 2019.

Two.

There is probable cause to believe that the person under supervision violated the special condition that she participate in drug treatment as directed by the probation officer.

On April 29, 2020, Ms. Seja was terminated from Center Point residential treatment program after bringing drug paraphernalia into the facility on April 28, 2020, which contained suspected cocaine.

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Ms. Seja entered Center Point residential treatment on February 26, 2020. On April 14, 2020, Ms. Seja was approved to go to a doctor's appointment in San Francisco; however, she did not return promptly to the facility. Program staff requested Ms. Seja receive medical clearance in order to re-enter the facility due to the possibility that she had deviated from her scheduled doctor's appointment. On April 15, 2020, Ms. Seja received a doctor's note from the Healthright 360 clinic that stated, "due to her current symptoms and recent sick contacts, it is recommended she self-quarantine for seven days prior to returning to the facility." On April 21, 2020, Ms. Seja returned to the clinic for medical clearance and was given another doctor's note recommending she continue to self-quarantine until April 28, 2020. Ms. Seja returned to the facility on April 28, 2020, and was subsequently terminated for the abovementioned violation of program rules (bringing contraband into the facility).

Evidence to support this charge is contained in a chronological entry in Ms. Seja's electronic probation file dated April 29, 2020.

Three

There is probable cause to believe that the person under supervision violated the mandatory condition of supervision which states that she shall not use a controlled substance

On April 28, 2020, Ms. Seja was drug tested by Center Point staff and the results yielded positive for cocaine.

Evidence to support this charge is contained in chronological entry in Ms. Seja's electronic probation file dated April 29, 2020.

Four

There is probable cause to believe that the person under supervision violated the special condition that she participate in drug treatment as directed by the probation officer.

On May 12, 2020, Ms. Seja entered detox at HealthRIGHT 360. On May 18, 2020, Ms. Seja left the HealthRIGHT 360 detox facility without the permission of the undersigned officer. Staff reported that Ms. Seja signed out of the facility to go to the hospital and never returned. As of May 28, 2020, Ms. Seja has not reentered detox.

Evidence to support this charge is contained in a chronological entry in Ms. Seja's electronic probation file dated May 19, 2020.

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Based on the foregoing, there is probable cause to believe that Andrea Seja violated the conditions of her probation.

Respectfully submitted,



Laura Triolo
U.S. Probation Officer Specialist
Date Signed: May 29, 2020

Reviewed by:

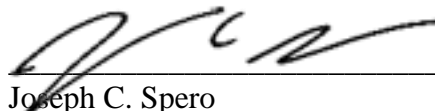


Jennifer J. James
Supervisory U.S. Probation Officer

Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- ☒ **The incorporation of Charge Number Four at the next probation revocation hearing. Additionally, Ms. Seja is ordered to appear before the Honorable Joseph C. Spero on Friday, June 5, 2020 at 11:30 a.m. Counsel and parties shall use the following conference call number: 888-684-8852. Access code: 8256171#.**
- ☐ Other:

June 1, 2020
Date



Joseph C. Spero
United States Chief Magistrate Judge

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APPENDIX

Grade of Violations: C [USSG §7B1.1(a)(3), p.s.]

Criminal History at time of sentencing: I

*Pursuant to 18 U.S.C. § 3565(a), if the defendant violates a condition of probation at any time prior to the expiration or termination of the term of probation, the court may 1) continue him on probation, with or without extending the term or modifying or enlarging the conditions; or 2) revoke the sentence of probation and resentence the defendant.

Below are the penalties available should the defendant's term of probation be revoked, and she is resentenced.

	Statutory Provisions	Guideline Provisions
Custody:	One Year 18 U.S.C § 3581(b)(6) 18 U.S.C § 3565(a)(2)	0 to 6 months (based on the original Total Offense Level of 8, and Criminal History Category 1)
Supervised Release:	Not more than one year 18 U.S.C § 3583(b)(3)	One Year USSG §7B1.3(g)(1), p.s., USSG §5D1.2(a)(3), p.s.
Probation:	Not more than five years 18 U.S.C. § 3561(c)(2)	1 to 5 years USSG §5B1.2(a)(1), p.s.